IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 8TH NOVEMBER 2006 / 17TH KARTHIKA 1928

Bail Appl..No. 6271 of 2006()

CRMP.4915/2006 of J.M.F.C.,KOTTAYAM
CRIME NO.286/2006 OF PAMPADY POLICE STATION.
.....

PETITIONER/IST ACCUSED

SIVAKUMAR, S/O.SREEKANDAN NAIR,
SIVASAILAM VEEDU, KOOVAPPADY VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SRI.C.AJITH KUMAR (KALLESSERIL)

RESPONDENTS:

STATE OF KERALA,
(REP. BY CIRCLE INSPECTOR OF POLICE,
PAMPADY POLICE STATION, CRIME NO.286/06 OF
PAMPADY POLICE STATION), REP. BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No.6271 of 2006

Dated this the 8th November, 2006.

O R D E R

Petitioner is the first accused in Crime No.286 of 2006 of Pampady Police Station, for the offence punishable under Sections 120B and 395 IPC. There are altogether seven accused in the crime. The prosecution alleges that the gold ornaments weighing 90.4 Kgs, worth Rupees One Crore and Sixty eight Lakhs, were transported in a car, driven by the petitioner, first accused, herein. He had, because of the conspiracy hatched with the other accused, passed information regarding the transportation of the gold to the co-accused. It is submitted by the prosecution that the entire gold ornaments had been taken away by the accused, and the first accused, petitioner has opened the dickey, so as to take away the gold ornaments by the other accused. Out of 90.4 Kgs of gold ornaments, 12.025 kgs. of gold ornaments alone were recovered.

2. The learned counsel appearing for the petitioner submitted that nothing could be recovered from the petitioner, as he did not share any common intention. The contention of the prosecution, on the other hand, is that the petitioner had conspired with others and also shared the common intention with them. The

learned counsel for the petitioner, however, submits that 7th accused who is yet to be arrested is in possession of the balance gold ornaments. Hence prayed that the petitioner, who was arrested on 28.9.2006 may be released on bail.

3. After hearing the facts that are placed before me, and considering the materials that are available on record, together with the common intention shared, conspiracy hatched, and the overt acts attributed to the petitioner, I am not inclined to grant bail to the petitioner. Hence, this application is dismissed.

J.M. JAMES,
JUDGE

nj.